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13 **Communications, LLC**

14 ENTROPIC COMMUNICATIONS,  
15 LLC,

16 Plaintiff,

17 Case No. 2:23-cv-1049-JWH-KES  
18 (Lead Case)  
19 Case No. 2:23-cv-01050-JWH-KES  
20 (Related Case)

21 v.

22 COX COMMUNICATIONS, INC., *et*  
23 *al.*,

24 Defendants.

25 **REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF ENTROPIC  
COMMUNICATIONS, LLC'S  
MOTION TO DISMISS COX'S  
COUNTERCLAIMS PURSUANT TO  
RULE 12(B)(6)**

26 ENTROPIC COMMUNICATIONS,  
27 LLC,

28 Plaintiff,

29 v.

30 COMCAST CORPORATION, *et al.*,

31 Defendants.

32  
33 **REQUEST FOR JUDICIAL NOTICE**

1 Plaintiff Entropic Communications, LLC (“Entropic”) respectfully requests  
 2 that the Court take judicial notice of Exhibits A and B attached to this request.

3 Judicial notice of facts is proper where the facts “can be accurately and readily  
 4 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.  
 5 Evid. 201(b)(2). Courts may take judicial notice of matters of public record, as well  
 6 as documents made publicly available where there is no question as to their  
 7 authenticity. *Lee v. City of L.A.*, 250 F.3d 668, 688-90 (9th Cir. 2001).

8 This request is made in connection with Entropic’s recently filed Motion to  
 9 Dismiss Cox Defendants’ Counterclaims. As detailed in that Motion, Cox  
 10 Communications, Inc., CoxCom LLC, and Cox Communications California, LLC’s  
 11 (collectively, “Cox”) counterclaims depend on the Asserted Patents being essential  
 12 to the DOCSIS License Agreement. Plaintiff asks the Court to take notice of the fact  
 13 that the District Court for the Eastern District of Texas recently issued an order  
 14 granting summary judgment that three of the patents asserted in this case (U.S. Patent  
 15 Nos. 8,792,008, 9,825,826, and 10,135,682) are not subject to the DOCSIS License.  
 16 See Exhibit A at 6-9 (report and recommendation); Exhibit B (order granting report  
 17 and recommendation).

18 Accordingly, Entropic requests that the Court take judicial notice of the  
 19 following:

20 1. Magistrate Judge Payne’s report and recommendation regarding  
 21 Entropic’s motion for summary judgment of no license defense based  
 22 on DOCSIS, attached hereto as **Exhibit A**.

23 2. Judge Gilstrap’s Order adopting Judge Payne’s report and  
 24 recommendation, attached hereto as **Exhibit B**.

25  
 26 Dated: December 22, 2023

**K&L GATES LLP**

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